INLAND EMPIRE
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November 13, 2007

Mr. Pat Hallinan, Water Quality Permit Coordinator
Washington State Department of Ecology
Eastern Regional Office
4601 N. Monroe Street
Spokane, WA 99205

Subject: Public Comment to Inland Empire Paper Company NPDES Permit No. WA 000082-5 Renewal

Dear Mr. Hallinan:

The following information is submitted on behalf of Inland Empire Paper Company (IEP) as public record in regards to Washington State Department of Ecology's (Ecology) Draft NPDES Permit No. WA 000082-5, Renewal:

NPDES Permit No. WA 000082-5 Renewal:

1. **Method Detection Limit for Metals, Footnote (1), Page 8 of 36:** The permit fails to specify the Test Method, Method Detection Limit (MDL) and the Quantitative Limit (QL) for Total Zinc. We request that this information be included in the permit as Method 200.8 (40 CFR Part 136) with an MDL of 1.8 µg/L and a QL of 5.65 µg/L.

2. **S6 Schedule of Compliance for Total Phosphorus, pages 17 and 18 of 36:** The Draft NPDES Permit includes the following pursuit actions and compliance dates:

Target Pursuit Action	***Compliance Date***
Phosphorus Treatment Technology	*Must be installed and operational within Five (5) years after permit effective date*
Phosphorus Interim Target[e]	*Seven (7) years after permit effective date*

[e]*The interim target for total phosphorus is 1.7 lbs/day (50 µg/L at 4.1 mgd), seasonal (April to October) average. Appropriate daily maximum and monthly average final effluent phosphorus limits will be developed after consideration of effluent variability upon completion and operation of the phosphorus treatment technology*

The above "Target Pursuit Actions" and "Compliance Dates" conflict with the schedule as defined by the NPDES Permit Cycles specified in the "Foundational Concepts for the Spokane River TMDL Managed Implementation Plan", Version 21 dated June 30, 2006

The first permit cycle states that "The permit, depending on date of issue, may also specify dates for submitting a technology selection protocol and an Engineering Report with an estimated construction schedule, all as described in the section titled Target Pursuit Actions." Furthermore, the second permit cycle states that "The permit is issued with interim effluent limits taking effect with the completion of technology upgrades. Operational characteristics for the newly installed technology will be assessed so that final limits can be established." There is no requirement that specifies phosphorus treatment technology must be installed within the first permit cycle and the permit elements clearly state that the installation and completion of the technology upgrades will occur within the second permit cycle.

IEP is committed to the goals established by the Foundational Concepts and will exert every effort to accomplish the target pursuit actions as stated in the MIP at an aggressive pace. This should be evident by IEP's proactive approach in conducting tertiary treatment pilot testing and the installation of the 1.0 MGD Trident HS system for further testing. However IEP does not want to be subject to more stringent schedules than those defined by the MIP due to the significant manpower and capital cost investments necessary for implementation of the MIP. Optimization and detailed evaluation of the 1.0 MGD Trident HS system will require at least one (1) year to completely analyze its performance over an entire season and through all process variations. This analysis is necessary to determine if this technology is feasible for IEP's long term ability to achieve the goals specified by the TMDL. IEP requests that the pursuit actions and compliance dates specified in "Section S6 Schedule of Compliance for Total Phosphorus" be modified to reflect the intent of the MIP as follows:

Target Pursuit Action	**Compliance Date**
Technology Selection Protocol to include pilot test results and performance test results of the 1 0 MGD Trident HS System.	Two (2) years after permit effective date
Engineering Report to include technology selection, delta elimination plan and construction schedule to provide reasonable assurance of meeting the target interim and final limits.	Four (4) years after permit effective date
Phosphorus Treatment Technology	Must be installed and operational within Six (6) years after permit effective date
Phosphorus Interim Target[e]	Eight (8) years after permit effective date

Fact Sheet for NPDES Permit No. WA-000825:

1. **Consideration of Surface Water Quality-Based Limits for Numeric Criteria, page 12 of 45:** The Fact Sheet for the Draft NPDES Permit includes the following statements:

"BOD5, Ammonia, and Total Phosphorus – The Spokane River and Lake Spokane (Long Lake) draft dissolved oxygen TMDL sets WLAs for total phosphorus, CBOD, and ammonia for each NPDES discharger to the Spokane River. The Foundation Concepts document outlines the actions Ecology will take to meet these WLAs and ultimately achieve the water quality standard for dissolved oxygen in Lake Spokane."

"At the end of the first ten years of the MIP, a thorough assessment will provide any necessary information to guide actions for the second ten year period. These second period actions will include continuation of successful measures conducted in the first 10 years, such as operation of the phosphorus treatment technology and other permanent phosphorous reduction efforts. They may also include new actions such as additional treatment technologies, consideration of river oxygenation, and/or reconsideration of Water Quality Standards applied to the River and Lake Spokane."

"Based on municipal treatment plant data, the Foundational Concepts assumes that efforts to control phosphorus will also serve to control CBOD and ammonia (i.e. phosphorus treatment technology will result in effluent CBOD and ammonia concentrations below applicable WLAs). This assumption will be continually evaluated as data is collected during the first ten years of the MIP."

"At the 10th year assessment, the necessity for further reductions in CBOD and ammonia will be evaluated. If necessary, compliance with the CBOD and ammonia WLAs will be addressed in the second ten years of the MIP. In this case, the Department expects to apply all principles of the MIP toward CBOD and ammonia control and reduction. These would include elements such as WLA targets expressed as pounds per day, delta elimination, pollutant trading, etc."

IEP has continually challenged the issue of implementing CBOD and ammonia WLAs throughout the TMDL and the Foundational Concepts/MIP collaborative processes (see Letter from IEP to Ecology, Mr. Peeler dated March 3, 2006; Letter from IEP to Ecology, Mr. Peeler dated August 2, 2006; and Letter from IEP to Ecology, Mr. Peeler dated December 22, 2006) IEP's specific concerns and position regarding the establishment of WLAs and the contradictory terms in the Fact Sheet highlighted above concerning CBOD and Ammonia are reiterated as follows:

All efforts exerted during the MIP/Foundational Concepts collaborative process were directed specifically towards the reduction of phosphorus, with no discussion whatsoever towards CBOD and ammonia IEP attempted on numerous occasions to bring attention to the issues of CBOD and ammonia during the collaborative process and through numerous letters to Ecology (referenced above). IEP was reassured during the Full Group meetings, the development of the Foundational Concepts and MIP documents, and from assurances received from Ecology that limits for CBOD and ammonia would be established based on performance of the significant capital equipment to be installed for achieving the phosphorus goals.

The intent and the goals expressed by the MIP are specifically focused on reducing significant amounts of phosphorus in the river during the April-October season. The MIP states "For the purpose of implementing the Spokane River Dissolved Oxygen TMDL, it is assumed that efforts to control phosphorus will also serve to control CBOD and ammonia Reducing significant amounts of phosphorus in the River during the April-October season and achieving Water Quality Standards for dissolved oxygen are the goals of the Spokane River Dissolved Oxygen TMDL Managed Implementation Plan (MIP)." Statements within the Fact Sheet relative to waste load allocations for CBOD and ammonia are contradictory to the intent of the MIP developed by the collaborative process

The "Investment Stability" section of the MIP was incorporated to assure that the significant investments in phosphorus removal technology would be recognized by Ecology as having a 20 year life for financial recovery and equipment depreciation. The Investment Stability section of the MIP is intended to protect the Dischargers from further financial liability associated with any additional significant equipment investments Statements within the NPDES Permit Fact Sheet such as "If necessary, compliance with the CBOD and ammonia WLAs will be addressed in the second ten years of the MIP", "the Department expects to apply all principles of the MIP toward CBOD and ammonia control and reduction", and "they may also include new actions such as additional treatment technologies," are all contradictory to the intent of the MIP

Current standard testing methods establish a lower CBOD detection limit of 2.0 mg/L based on the requirements for minimum DO depletion. The draft DO TMDL attempts to implement unrealistic and unattainable limits for CBOD that are below the detection limits of current test methods In addition, reductions of CBOD to the levels specified in the TMDL are not consistently technologically and economically attainable based on available equipment performance applicable to IEP's effluent.

IEP requires that the TMDL and subsequent NPDES permits be consistent with the intent of the MIP developed and agreed to by the collaboration Due to the above mentioned contradictions and inconsistencies, IEP suggests that any and all references to WLAs for CBOD and ammonia, and the necessity for additional treatment technologies be removed in their entirety.

2. **Technology Selection Protocol, page 13 of 45:** *"The construction and operation of the treatment technology will be required at the end of the first permit cycle (2012) "*

See IEP response to Item #2 of the NPDES Permit above. Change "at the end of the first permit cycle (2012)" to "within six (6) years after permit effective date."

3. **Engineering Report, page 13 of 45:** *"The construction and operation of the treatment technology will be required at the end of this permit cycle (2012)."*

See IEP response to Item #2 of the NPDES Permit above. Change "at the end of the first permit cycle (2012)" to "within six (6) years after permit effective date."

4. **Interim Limits, page 13 of 45:** *"Compliance with the 50 µg/L seasonal average interim limit is expected by 2014."*

See IEP response to Item #2 of the NPDES Permit above. Change "Compliance with the 50 µg/L seasonal average interim limit is expected by 2014" to "Compliance with the mass equivalent of 50 µg/L seasonal average interim limit is expected by eight (8) years after permit effective date."

5. **Consideration of Surface Water Quality-Based Limits for Numeric Criteria, page 14 of 45:** *"For this discharger in this permit cycle, target actions will include the first three bulleted items discussed above. Technology Selection Protocol and Delta Management Plan (due within two years after the permit effective date); and the Engineering Report (due within three years after the permit effective date). Final construction and operation of the treatment technology will be required by the end of this permit cycle (2012). These requirements are outlined in Permit Condition S6."*

IEP recommends the following modifications to the above referenced paragraph: "For this discharger in this permit cycle, target actions will include the first three bulleted items discussed above: Technology Selection Protocol (due within two years after the permit effective date) and Delta Management Plan (due within four years after the permit effective date); and the Engineering Report (due within four years after the permit effective date). Final construction and operation of the treatment technology will be required within six (6) years after permit effective date. These requirements are outlined in Permit Condition S6."

6. **Total PCBs, page 18 of 45:** *"The draft PCB TMDL report assigns a WLA to Inland Empire Paper Company of 5.32 pg/L. Since the TMDL is still draft, and has not been approved by the EPA, this WLA will not be included. The proposed permit will include routine PCB effluent monitoring (Permit Condition S2) and preparation of a PCB source identification study (Permit Condition S7)."*

The specification of a PCB WLA in the NPDES Permit Fact Sheet is inappropriate based on the draft and unapproved status of the TMDL. The specified value is well below the detection limit for PCBs, even using the low-level detection method of individual congeners (25 to 50 pg/L). This value represents a reduction in IEP's effluent in excess of 99% and is magnitudes lower than measured background concentrations. There are no existing technologies that have reported PCB reductions remotely close to these efficiencies. Based on this information, there is no potential means for obtaining such a low limit, even with the removal of IEP's waste paper recycling process

IEP will not accept any reference to a specified PCB WLA in the NPDES Permit or Fact Sheet based on the current status of the draft PCB TMDL. IEP suggests that this paragraph be revised as follows: "The proposed permit will include routine PCB effluent monitoring (Permit Condition S2) and preparation of a PCB source identification study (Permit Condition S7)."

IEP appreciates the opportunity to provide public comments to the Draft NPDES Permit No WA 000082-5, Renewal and the accompanying Fact Sheet, and requests that Ecology revise the TMDL document in accordance with the above comments and recommendations.

Sincerely,

Douglas P. Krapas
Environmental Compliance Engineer

c: W. Andresen
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